

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 08-504V
(Not to be published)

ROBERT VERNACCHIO *and* ERICA
VERNACCHIO, *parents and natural guardians of*
L.V., *a minor*,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Filed: July 7, 2015

Interim Fees; Decision by
Stipulation; Attorney's Fees & Costs

Robert Joel Krakow, Law Office of Robert J. Krakow, P.C., New York, NY, for Petitioner

Lynn Elizabeth Ricciardella, U.S. Dep't of Justice, Washington, DC, for Respondent

INTERIM ATTORNEY'S FEES AND COSTS DECISION¹

On July 11, 2008, Robert and Erica Vernacchio filed a petition on behalf of their child, L.V., seeking compensation under the National Vaccine Injury Compensation Program. A hearing was held on April 13-14, 2015, and the Parties are currently in the process of submitting their post-hearing briefs.

On July 6, 2015, counsel for both parties filed a joint stipulation in regards to interim attorney's fees and costs. The parties have stipulated that Petitioner's counsel should receive a

¹ Because this decision contains a reasoned explanation for my actions in this case, I will post it on the United States Court of Federal Claims website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (Dec. 17, 2002) (current version at 44 U.S.C. § 3501 (2014)). As provided by 42 U.S.C. § 300aa-12(d)(4)(B), however, the parties may object to the published decision's inclusion of certain kinds of confidential information. Specifically, under Vaccine Rule 18(b), each party has fourteen days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the whole decision will be available to the public. *Id.*

lump sum of \$210,501.84, in the form of a check payable to Petitioner and Petitioner's counsel. This amount represents a sum to which Respondent does not object.

In addition, and in compliance with General Order No. 9, Petitioners filed two declarations representing that they have to date incurred reimbursable costs of \$3,458.82 in proceeding with this petition. They assert that these costs are included in the total amount of costs and disbursements stipulated to in the interim fees stipulation. Furthermore, Mr. Krakow represents in the stipulation that he will reimburse Petitioners this amount for all expenses they personally incurred in this case, and the Parties do not object to disbursing this category of costs in this manner.

I approve the requested amount for an interim award of attorney's fees and costs as reasonable. Accordingly, an award should be made in the form of a check in the amount of \$210,501.84 payable jointly to Petitioner and Petitioner's counsel, Robert Joel Krakow, Esq. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.²

IT IS SO ORDERED.

/s/ Brian H. Corcoran
Brian H. Corcoran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing their right to seek review.